UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAR 10 PM 3: CLERK U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Case No. '08 MJ 0755
v.	)	COMPLAINT FOR VIOLATION OF
Andres MAGANA-Cardenas AKA: Andres Antonio MORALES	)	Title 18, U.S.C., Section 1544(a) Misuse of Passport
Defendant.	)	

The undersigned complainant being duly sworn states:

On or about **March 9, 2008**, within the Southern District of California, defendant **Andres MAGANA-Cardenas AKA: Andres Antonio MORALES**, did knowingly and willfully use a passport issued or designated for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting an Official U.S. Passport number 430710998, issued to Andres Antonio Morales to a Department of Homeland Security Customs and Border Protection Officer, knowing full well that he was not Andres Antonio Morales, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport. All in violation of Title 18, United States Code, Section 1544.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **10th** DAY OF **March**, 2008.

UNITED STATES MAGISTRATE JUDGE

GJM

PROBABLE CAUSE STATEMENT

On March 9, 2008 at approximately 0519 hours, **Andres MAGANA-Cardenas AKA: Andres Antonio MORALES (Defendant)** arrived at the San Ysidro Port of Entry and applied for admission to the United States from Mexico via the pedestrian primary lanes. Defendant presented a United States Passport bearing the name of Andres Antonio Morales as his entry document. The CBP Officer suspected Defendant was not the lawful owner of the United States passport and escorted Defendant to secondary for further inspection. During secondary inspection, CBP Officers confirmed Defendant was not the lawful owner of the passport presented. Defendant was referred to the Prosecution Unit for further disposition.

During a video-recorded interview, Defendant was advised of his Miranda Rights, acknowledged his rights and elected to answer questions without benefit of counsel. Defendant admitted he is a citizen of Mexico without legal rights or documents to enter the United States. Defendant willfully and knowingly admitted using a United States Passport designated for the use of another person to gain admission into the United States. Defendant stated he obtained the United States Passport form an unknown male in Tijuana Baja California, Mexico for the purpose of attempting entry in the United States. Defendant stated he was to pay $3,000.00 USD upon successful entry into the United States. Defendant stated he was going to Los Angeles, California to seek employment and residency.